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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/650,655

08/27/2003

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53375 7590 05/27/2008

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EXAMINER

SWEET, LONNIE V

ART UNIT

PAPER NUMBER

2619

MAIL DATE

DELIVERY MODE

05/27/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/650,655	<b>Applicant(s)</b> CHEN ET AL.	
	<b>Examiner</b> LONNIE SWEET	<b>Art Unit</b> 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10, 13-16, and 19-22 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 11, 12, 17, 18, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/26/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 7-9, 13-15, and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. 2003/0193696 A1 (referred to hereinafter as Walker).

Walker anticipates claims 1 and 7, it teaches switching (transitioning) a first gateway from a voice mode (Voice over Internet Protocol mode , VOIP mode) to a facsimile mode (Fax over Internet Protocol mode, FOIP mode) [Paragraph 10, Lines 3-5], configuring (setting up) said first gateway to said voice mode (voice connection) for communication with a second gateway, which is implied if a call is addressed for delivery outside of the IP network over a packet network (IP network) [Paragraph 35, Lines 15-21], receiving a plurality of data packets from said second gateway over said packet network, which is implied based on Walkers description of sending UDPTL packets to media gateways [Paragraph 52, Lines 10-15], analyzing one or more of said plurality of data packets to determine whether said one or more of said plurality of data packets

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carry facsimile data packets or voice data packets, which is described as a detection of a facsimile on the reception of a UDP packet [Paragraph 40, Lines 7-11], and lastly, configuring said first gateway to said facsimile mode if said analyzing determines that said one or more of said plurality of data packets carry facsimile data packets, interpreted transitioning to facsimile mode based on a facsimile detection [Paragraph 40, Lines 7-11].

Walker anticipates claims 2, 8, 14, and 20, it teaches wherein said voice data packets are RTP packets, indicated as an audio/RTP connection and said facsimile data packets are UDPTL packets, which is indicated as image/t38, whereby the image, regarded as pertaining to a facsimile and the t38 is regarded as a indication of a UDPTL packet [Paragraph 52, Lines 1-12].

Walker anticipates claims 3, 9, 15, and 21, it teaches wherein IP/UDP packets encompass said RTP packets and said UDPTL packets, by describing the media gateways use of IP addresses and UDP ports, indicating the presences of IP/UDP packets, in addition to the RTP and T.38 port (used for receiving UDPTL packets) [Paragraph 73, lines 1-8].

Walker anticipates claims 13 and 19, it teaches a communication system for switching (transitioning) from a voice mode (VOIP mode) to a facsimile mode (FOIP mode). The method comprising configuring (setting up) a first and second, gateway to voice mode (voice connection), wherein said second gateway is in

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communication with said first gateway over a packet network, the second gateway is implied if a call is addressed for delivery outside of the IP network over a packet network (IP network) [Paragraph 35, Lines 15-21]. It also comprises receiving voice data by said first gateway, packetizing said voice data by said first gateway, in accordance with said voice mode, to generate data packets for transmission to said second gateway over said packet network, which is implied based on Walkers description of sending the voice call through the packet network to media gateways using the SIP protocol [Paragraph 62, Lines 5-16]; receiving a facsimile calling tone by said first gateway from a first facsimile device and configuring said first gateway to said facsimile mode from said voice mode, in response to said receiving said facsimile calling tone[Paragraph 3, Lines 8-14]; receiving facsimile data (image data) by said first gateway (MG1) from said first facsimile device (G3FE1) and packetizing said facsimile data by said first gateway, in accordance with said facsimile mode, to generate said data packets for transmission to said second gateway over said packet network, which is implied based on Walkers description of sending UDPTL packets to media gateways [see Figure 1, Elements G3FE1 (12a) and Media Gateway (14a) Paragraph 52, Lines 10-15]; wherein said second gateway analyzes one or more of said data packets to determine whether said one or more of said data packets is packetized according to said voice mode or said facsimile mode, and wherein said second gateway switches from voice mode to facsimile mode if said second gateway determines that said one or more of said data packets is packetized according to said facsimile mode, interpreted transitioning to facsimile mode

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based on a facsimile detection [Paragraph 40, Lines 7-11], specified as a UDPTL packet [Paragraph 52, Lines 10-15].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4, 10, 16, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker, in view of Tajiri et al in US 20020027926 A1 (referred to hereinafter as Tajiri).

Regarding claims 4, 10, 16, and 22, Walker teaches analyzing data packets, which is described as a detecting a facsimile on the reception of a UDP packet [Paragraph 40, Lines 7-11]. UDP packets inherently include a header and a payload.

Also, Walker does not teach that the UDPTL has a predetermined structure, and wherein said analyzing comprises: calculating a second length of said UDP payload in accordance with said predetermined structure of said UDPTL packet; and deciding said UDP payload includes said UDPTL packet if said first length is equal to said second length.

However, Tajiri teaches that the UDP packets consist of a header and a payload [Tajiri, Paragraph 6, Lines 14-16], and that the UDPTL has a

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predetermined structure, whereby this structure, the UDPTL header and UDPTL payload, is the calculated second length of the UDP payload [ Tajiri, Paragraph 27, Lines 1-3]. Therefore, it is decided that the UDP payload includes the UDPTL packet if said first length is equal to said second length.

It would have been obvious to one of ordinary skill in the art to combine the teachings of Walker indicating that UDP packets includes a header and payload, with the teachings of Tajiri indicating that the UDP payload includes a UDPTL packet. The benefiting result of the combination of both teaching would enable encapsulation of a packet. Encapsulation allows for a packet of a different protocol or OSI layer to be transported or handled by a protocol or in a OSI layer different from its native state.

***Allowable Subject Matter***

3. Claims 5-6, 11-12, 17-18, and 23-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 5-6, 11-12, 17-18, and 23-24, neither Walker or Tajiri separately or combined, in addition to other related reference found during the examiner's search teach a method wherein said calculating said second length comprises: writing zero to said second length, adding two to said second length for UDPTL sequence number field; adding one to said second length for UDPTL length of primary IFP field, reading UDPTL length of primary IFP from said

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UDPTL length of primary IFP field, adding said UDPTL length of primary IFP to said second length, adding one to said second length for UDPTL error recovery mechanism field, adding one to said second length for UDPTL number of secondary IFP field, reading UDPTL number of secondary IFP from UDPTL number of secondary IFP field, and adding, for each of said UDPTL number of secondary IFP, a length of UDPTL secondary IFP to said second length. In addition, to analyzing further comprises: comparing, prior to said calculating, an RTP type field within each UDP payload with a predetermined RTP type; and determining that said one or more of said plurality of data packets do not carry facsimile data packets if said RTP type field within each UDP payload does not match said predetermined RTP type.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2005/0047422

US 2003/0002476

US 7,359,370

US 7,236,483

US 2002/0001373.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LONNIE SWEET whose telephone number is (571)270-3622. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lonnie Sweet II  
Patent Examiner

/Hassan Kizou/  
Supervisory Patent Examiner, Art Unit 2619